

Message Text

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PAGE 01 STATE 077479

12

ORIGIN MC-02

INFO OCT-01 EUR-12 ISO-00 L-02 DODE-00 CIAE-00 PM-03

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TRSE-00 SAJ-01 COME-00 EB-07 SS-15 NSC-05 (ISO) R

DRAFTED BY PM/MC:CGBRYANT
APPROVED BY EUR:JGLOWENSTEIN
OSD/ISA:MR JEFFERSON;COL ST. CIN
OSD/I AND L:MR CUFFE
DSAA:MR RUDD
EUR/RPM:EREHFELD;MR STREATOR
EUR/RPM:MR HELMAN
OSD/GC:MR ALLEN
EUR/SE:MR KIRBY
L/PM:MR MICHEL

----- 013925

R 050055Z APR 75
FM SECSTATE WASHDC
TO USMISSION NATO
INFO ALL NATO CAPITALS

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E.O. 11652: N/A

TAGS: MARR, MILI, NATO, TU

SUBJECT: COMMERCIAL SALES TO TURKEY OF EQUIPMENT AND
-- DATA ON THE US MUNITIONS LIST

REF: A) STATE 32756, B) STATE 44048, C) STATE 73863

1. FOR YOUR GUIDANCE, THE FOLLOWING IS ADDED INFORMATION
ON THE LEGAL CONSEQUENCES OF CONGRESSIONAL ACTION CONCERN-
ING MILITARY AID AND SALES TO TURKEY.

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PAGE 02 STATE 077479

2. AMENDMENT (PUBLIC LAW 93-559) TO SECTION 620 OF FOREIGN

ASSISTANCE ACT OF 1961 AND WHITE HOUSE STATEMENT OF FEBRUARY 5 SETTING FORTH ADMINISTRATION'S VIEW REGARDING THE AMENDMENT ARE CONTAINED IN PARAGRAPHS ONE AND TWO RESPECTIVELY OF REF A. DEPARTMENT ALSO SUGGESTS MISSION REVIEW 10 FAM 180, AND APPENDIX A THERETO, WHICH EXPLAINS WHY AND HOW DEPARTMENT CONTROLS THE COMMERCIAL EXPORT OF ARMS, AMMUNITION, IMPLEMENTS OF WAR AND RELATED TECHNICAL DATA; PAGES ONE AND TWO OF APPENDIX A CONTAINS THE STATUTE (SECTION 414 OF THE MUTUAL SECURITY ACT OF 1954-22 USC 1934) AND EXECUTIVE ORDERS UNDER WHICH THE DEPARTMENT DISCHARGES THIS CONTROL FUNCTION, WHILE THE REMAINING

PAGES OF APPENDIX A CONTAIN THE INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (22 C.F.R. 121-128), PROMULGATED PURSUANT TO THE STATUTE, DELINEATING WHAT IS CONTROLLED AND HOW THE CONTROL IS APPLIED.

3. PUBLIC LAW 93-559 REQUIRES THAT "ALL LICENSES WITH RESPECT TO THE TRANSPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR (INCLUDING TECHNICAL DATA RELATING THERETO) TO THE GOVERNMENT OF TURKEY, SHALL BE SUSPENDED.." DEPARTMENT HAS APPLIED FOLLOWING LIMITATIONS SINCE EFFECTIVE DATE OF THIS STATUTE (FEBRUARY 5, 1975):
(A) THE APPROVAL OF ANY APPLICATION FOR A LICENSE TO EXPORT OR REEXPORT TO THE GOVERNMENT OF TURKEY ANY ARTICLES OR TECHNICAL DATA ON THE U.S. MUNITIONS LIST;

(B) THE APPROVAL OF ANY PROPOSED MANUFACTURING LICENSING AGREEMENT OR TECHNICAL ASSISTANCE AGREEMENT, APPERTAINING TO U.S. MUNITIONS LIST EQUIPMENT OR DATA, BETWEEN A U.S. PERSON AND THE GOVERNMENT OF TURKEY;

(C) THE APPROVAL OF ANY PROPOSED MANUFACTURING LICENSING AGREEMENT OR TECHNICAL ASSISTANCE AGREEMENT, APPERTAINING TO U.S. MUNITIONS LIST EQUIPMENT OR DATA, WHICH INCLUDES WITHIN THE ASSIGNED SALES TERRITORY OF THE PROPOSED AGREEMENT PROVISION FOR SALE TO THE GOVERNMENT OF TURKEY: HOWEVER, SUCH A PROPOSED AGREEMENT COULD BE APPROVED WERE THIS PROVISION DELETED OR MODIFIED SO AS TO BE INEFFECTIVE DURING THE PERIOD THE PRESENT STATUTORY PROHIBITION LIMITED OFFICIAL USE

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PAGE 03 STATE 077479

IS IN EFFECT.

(D) THE AUTHORIZATION OF THE TRANSFER FROM A FOREIGN COUNTRY OR PERSON TO THE GOVERNMENT OF TURKEY OF US MUNITIONS LIST EQUIPMENT AND DATA PREVIOUSLY EXPORTED FROM THE UNITED STATES TO THE FOREIGN COUNTRY OR PERSON UNDER LICENSE ISSUED BY DEPARTMENT, WHEN SUCH TRANSFER CANNOT BE MADE WITHOUT USG AUTHORIZATION ACCORDING TO CONDITIONS

ATTACHED TO THE ISSUANCE OF THE ORIGINAL US EXPORT
LICENSE;

(E) THE AUTHORIZATION OF THE TRANSFER FROM A FOREIGN
COUNTRY OR PERSON TO THE GOVERNMENT OF TURKEY OF US
MUNITIONS LIST EQUIPMENT AND DATA PRODUCED UNDER A MANU-
FACTURING LICENSING AGREEMENT OR TECHNICAL ASSISTANCE
AGREEMENT APPROVED BY THE DEPARTMENT, WHEN TURKEY IS NOT
INCLUDED IN THE ASSIGNED SALES TERRITORY AND THE DEPART-
MENT'S AUTHORIZATION IS REQUIRED PRIOR TO MAKING THE

TRANSFER ACCORDING TO CONDITIONS ATTACHED TO THE APPROVAL
OF THE ORIGINAL AGREEMENT.

4. THE PROHIBITION ENACTED IN PUBLIC LAW 93-559 DOES NOT
PURPORT TO BAR TRANSFERS OF EQUIPMENT OR DATA TO THE
GOVERNMENT OF TURKEY BY THIRD COUNTRIES IN THOSE INSTANCES
WHEREIN THE DEPARTMENT'S APPROVAL OR AUTHORIZATION IS NOT
REQUIRED; THUS:

(A) U.S. MUNITIONS LIST EQUIPMENT AND DATA EXPORTED FROM
THE U.S. TO THE GOVERNMENT OF TURKEY ON OR BEFORE
FEBRUARY 5, 1975 MAY CONTINUE ENROUTE EVEN THOUGH IT MAY
BE UNDERGOING AN INTERMEDIATE PROCESS THROUGH A THIRD
COUNTRY;

(B) U.S. MUNITIONS LIST EQUIPMENT AND DATA PRODUCED IN
COUNTRIES OTHER THAN THE U.S. OR TURKEY, UNDER A MANUFAC-
TURING LICENSE AGREEMENT OR TECHNICAL ASSISTANCE AGREEMENT
WHICH (1) WAS APPROVED BY THE DEPARTMENT PRIOR TO
FEBRUARY 5, 1975 AND (2) REQUIRES USG CONSENT FOR TRANSFER
TO TURKEY, WHICH CONSENT WAS GIVEN ON OR BEFORE FEBRUARY 5,
1975 MAY BE EXPORTED TO THE GOVERNMENT OF TURKEY WITHOUT
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PAGE 04 STATE 077479

ANY FURTHER APPROVAL FROM THE DEPARTMENT.

(C) U.S. MUNITIONS LIST EQUIPMENT AND DATA PRODUCED IN
COUNTRIES OTHER THAN THE U.S. OR TURKEY, UNDER A MANU-
FACTURING LICENSING AGREEMENT OR TECHNICAL ASSISTANCE
AGREEMENT WHICH (1) WAS APPROVED BY THE DEPARTMENT ON OR
BEFORE FEBRUARY 5, 1975 AND (2) INCLUDES TURKEY IN THE
ASSIGNED SALES TERRITORY, MAY BE EXPORTED TO THE GOVERN-
MENT OF TURKEY WITHOUT ANY FURTHER APPROVAL FROM THE
DEPARTMENT;

(D) U.S. MUNITIONS LIST EQUIPMENT AND DATA PRODUCED IN
TURKEY UNDER A MANUFACTURING LICENSING AGREEMENT OR TECH-
NICAL ASSISTANCE AGREEMENT APPROVED BY THE DEPARTMENT MAY
CONTINUE IN PRODUCTION, EXCEPT THAT NO EQUIPMENT AND DATA

MAY BE EXPORTED IN FURTHERANCE OF SUCH AGREEMENTS;

(E) PERSONNEL OF U.S. FIRMS IN TURKEY PROVIDING TECHNICAL ASSISTANCE TO GOT PURSUANT TO A LICENSE ISSUED BY THE DEPARTMENT, OR A MANUFACTURING LICENSING AGREEMENT OR TECHNICAL ASSISTANCE AGREEMENT APPROVED BY THE DEPARTMENT ON OR BEFORE FEBRUARY 5, 1975, MAY CONTINUE TO PROVIDE SUCH ASSISTANCE, EXCEPT THAT FURTHER EQUIPMENT AND DATA

REQUIRING A LICENSE FOR EXPORT FROM THE US CANNOT BE EXPORTED TO GOT IN SUPPORT OF THE ASSISTANCE;

(F) EQUIPMENT AND DATA PRODUCED IN COUNTRIES OTHER THAN THE U.S., BUT NOT PRODUCED UNDER A MANUFACTURING LICENSING AGREEMENT OR TECHNICAL ASSISTANCE AGREEMENT APPROVED BY THE DEPARTMENT, IS NOT SUBJECT TO THE CONSTRAINTS IMPOSED BY U.S. LAW.

5. THE FOREGOING ONLY ADDRESSES THAT ASPECT OF THE PROBLEM WHICH IS CONCERNED WITH THE COMMERCIAL TRANSFER TO THE GOVERNMENT OF TURKEY OF EQUIPMENT AND DATA ON THE U.S. MUNITIONS LIST.

IN SUMMARY: THE DEPARTMENT CANNOT APPROVE, WHEN SUCH APPROVAL IS REQUIRED, THE TRANSFER TO THE GOVERNMENT OF TURKEY, WHETHER FOR ITS OWN ACCOUNT OR THE ACCOUNT OF LIMITED OFFICIAL USE

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PAGE 05 STATE 077479

NATO INFRASTRUCTURE, OF U.S. MUNITIONS LIST EQUIPMENT AND DATA.

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Message Attributes

Automatic Decaptioning: X
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Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY ASSISTANCE, MILITARY PROCUREMENT, MILITARY EQUIPMENT, DATA, MILITARY POLICIES
Control Number: n/a
Copy: SINGLE
Draft Date: 05 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
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Disposition Reason:
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